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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 **In the Matter of the First Amended**
13 **Accusation Against:**

Case No. 2013-510

FIRST AMENDED ACCUSATION

14 **TERESA REGINA HOOK**
15 **1910 Greenwich Street, Apt. 7**
16 **San Francisco, California 94123-3585**

Registered Nurse License No. 593453

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about January 15, 2002, the Board of Registered Nursing issued Registered
23 Nurse License Number 593453 to Teresa Regina Hook (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought in this First
25 Amended Accusation and will expire on March 31, 2015, unless renewed.

26 **JURISDICTION**

27 3. This First Amended Accusation is brought before the Board of Registered Nursing
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 118, subdivision (b), provides:

3 "The suspension, expiration, or forfeiture by operation of law of a license issued by a
4 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
5 order of a court of law, or its surrender without the written consent of the board, shall not, during
6 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
7 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
8 provided by law or to enter an order suspending or revoking the license or otherwise taking
9 disciplinary action against the licensee on any such ground."

10 5. Section 2750 provides:

11 "Every certificate holder or licensee, including licensees holding temporary licenses, or
12 licensees holding licenses placed in an inactive status, may be disciplined as provided in this
13 article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this
14 article, "license" includes certificate, registration, or any other authorization to engage in practice
15 regulated by this chapter. The proceedings under this article shall be conducted in accordance
16 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
17 Government Code, and the board shall have all the powers granted therein."

18 6. Section 2759 provides:

19 "The board shall discipline the holder of any license, whose default has been entered or
20 who has been heard by the board and found guilty, by any of the following methods:

21 "(a) Suspending judgment.

22 "(b) Placing him upon probation.

23 "(c) Suspending his right to practice nursing for a period not exceeding one year.

24 "(d) Revoking his license.

25 "(e) Taking such other action in relation to disciplining him as the board in its discretion may
26 deem proper."

27 7. Section 2764 provides:

28 "The lapsing or suspension of a license by operation of law or by order or decision of the

1 board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the
2 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
3 against such license, or to render a decision suspending or revoking such license."

4 **STATUTORY/REGULATORY PROVISIONS**

5 8. Section 2761 of the Code states:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

9 ...

10 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
11 functions, and duties of a registered nurse, in which event the record of the conviction shall be
12 conclusive evidence thereof."

13 9. Section 2762 of the Code states:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
16 chapter to do any of the following:

17 ...

18 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
25 or the possession of, or falsification of a record pertaining to, the substances described in
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
27 thereof.

28 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of

1 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
2 section, in which event the court order of commitment or confinement is prima facie evidence of
3 such commitment or confinement.”

4 10. California Code of Regulations, title 16, section 1444, states:

5 “A conviction or act shall be considered to be substantially related to the qualifications,
6 functions or duties of a registered nurse if to a substantial degree it evidences the present or
7 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
8 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

9 “(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
10 subdivision (d) of Penal Code Section 11160.

11 “(b) Failure to comply with any mandatory reporting requirements.

12 “(d) Any conviction or act subject to an order of registration pursuant to Section 290 of
13 the Penal Code.”

14 11. Section 490 of the Code provides, in pertinent part, that a board may suspend or
15 revoke a license on the ground that the licensee has been convicted of a crime substantially
16 related to the qualifications, functions, or duties of the business or profession for which the
17 license was issued.

18 **COST RECOVERY**

19 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request
20 the administrative law judge to direct a licentiate found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
23 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
24 may be included in a stipulated settlement.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct – Use of Alcohol in Dangerous Manner - April 27, 2003)**

27 **(Bus. & Prof. Code §§2761(a), 2762(b))**

28 13. Respondent has subjected her license to disciplinary action for unprofessional

1 conduct under sections 2761, subdivision (a), as defined by section 2762, subdivision (b), in that
2 she engaged in unprofessional conduct by using alcohol in a dangerous manner. The
3 circumstances are as follows:

4 14. On or about April 27, 2003, Santa Monica Police Officers found Respondent
5 drunk and acting belligerent on the 1400 block of the Santa Monica Promenade. The Officers
6 noticed that Respondent's eyes were red, her face was flushed, and her speech was somewhat
7 slurred. As Officer 1 tried to talk with Respondent and tell her to leave the area, Respondent
8 walked away from Officer 1 and passed two women who were seated on a nearby bench.
9 Respondent walked up to one of the women and put her nose less than an inch from the face of
10 the woman and began threatening her. Respondent told the woman, "If you don't shut up, I'm
11 going to kick your butt." Officer 1 asked the two women if they knew Respondent and they said
12 no, they had never seen her before.

13 15. Officer 1 walked up to Respondent and ordered her to leave the area immediately
14 and go home. Respondent told the officer that it was a free country and she did not have to go
15 anywhere that she did not want to go. During that brief conversation, Officer 1 smelled the strong
16 odor of an alcoholic beverage on Respondent's breath and he noticed that she was unsteady on
17 her feet. Officer 1 told Respondent that it was his opinion that she was drunk and if she did not
18 leave immediately, she would be arrested. Respondent told Officer 1 that he had no right to arrest
19 her and she did not have to go home. At that time, Officer 1 placed Respondent under arrest for
20 violation of Penal Code section 647, subdivision (f) (public drunkenness).

21 16. After Officers arrested Respondent and transported her to the Santa Monica Jail,
22 Respondent became very uncooperative and refused to follow Officer 2's instructions.
23 Respondent continually yelled at Officer 2 and stated that she was not being treated fairly. Santa
24 Monica Police Department Custodial Officers physically took hold of Respondent while Officer 2
25 released his grasp on her. As the Custodial Officer 1 and Custodial Officer 2 began to physically
26 escort Respondent over to the front of the booking cage area, Respondent, without provocation,
27 kicked Custodial Officer 1 in the left leg with her foot. Respondent was immediately forced down
28 on the floor of the jail booking area and held there. Another officer approached and attempted to

1 calm Respondent down to no avail.

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Unprofessional Conduct – January 7, 2004 Conviction)**

4 **(Bus. & Prof. Code §§2761(f), 2762(c))**

5 17. Respondent has subjected her license to disciplinary action under Code sections
6 490, 2761, subdivision (f), as defined by section 2762, subdivision (c), in that on or about January
7 7, 2004, in a criminal proceeding entitled The People of the State of California v. Teresa Regina
8 Hook, in the Los Angeles County Superior Court, Case Number 3WL02873, Respondent was
9 convicted by a plea of nolo contendere to one count of violating Vehicle Code section 23152(b)
10 (driving while under the influence of alcohol). Respondent was placed on summary probation for
11 a period of five years, which included, but was not limited to, the following terms: attend and
12 complete the First Offender Driver's Program, not driving with a measurable amount of alcohol
13 in her blood, and paying restitution of \$1,013.00.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct – Use of Alcohol in Dangerous Manner –**

16 **January 7, 2004 Conviction)**

17 **((Bus. & Prof. Code §§2761(a), 2762(b))**

18 18. The allegations of paragraph 17 are realleged and incorporated by reference as if
19 fully set forth.

20 19. Respondent has subjected her license to disciplinary action under Code sections
21 490, 2761, subdivision (a), as defined by section 2762, subdivision (b), in that she used alcohol in
22 a manner dangerous or injurious to herself and others by being convicted of driving while under
23 the influence of an alcoholic beverage.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct – August 31, 2010 Arrest)**

26 **(Bus. & Prof. Code §§2761(a), 2762(b))**

27 20. Respondent has subjected her license to disciplinary action for unprofessional
28 conduct under sections 2761, subdivision (a), as defined by section 2762, subdivision (b), in that

1 on or about August 31, 2010, she was arrested for driving while under the influence of alcohol.

2 The circumstances are as follows:

3 21. On or about August 31, 2010, California Highway Patrol Officers responded to a
4 call for assistance regarding a DUI investigation being conducted by San Mateo County Sheriff's
5 Deputies. When Highway Patrol Officer 1 arrived on the scene, San Mateo County Sheriff A
6 related that she observed Respondent's car zig zagging on the nearby freeway on-ramp. Sheriff A
7 stopped Respondent's car and observed objective signs and symptoms of intoxication.
8 Respondent provided Sheriff A with her California Driver's License.

9 22. Officer 1 approached the driver's side window of Respondent's vehicle and
10 introduced himself to Respondent. He asked Respondent where she was traveling to and
11 Respondent stated she was driving home to San Francisco. During the conversation, Officer 1
12 noticed the odor of alcohol emitting from Respondent and her eyes appeared to be bloodshot and
13 watery. Officer 1 asked Respondent to exit the vehicle and walk back to the right front of his
14 patrol vehicle, which was parked directly behind the Sheriff Deputy's patrol vehicle. Upon
15 exiting her vehicle, Respondent appeared to be unsteady. Officer 1 asked Respondent a series of
16 pre field sobriety questions related to her general health and alcohol consumption, which she
17 answered. She related that she had consumed one glass of red wine earlier that evening. As
18 Respondent spoke, Officer 1 continued to smell the odor of alcohol emitting from Respondent's
19 breath and person, which seemed to intensify as she spoke. Her speech was slow and slurred.
20 Officer 1 directed Respondent in a series of field sobriety tests, which Respondent was unable to
21 perform as explained and demonstrated.

22 23. Based on Respondent's objective signs and symptoms of intoxication, her
23 performance of the field sobriety tests, and Sheriff A's observations of Respondent's driving,
24 Officer 1 placed Respondent under arrest for violation of 23152, subdivision (a) (driving while
25 under the influence of alcohol). Officers tested Respondent's blood alcohol content and it had a
26 preliminary test result of .178. Officers transported Respondent to the San Mateo County Jail for
27 booking.

28 ///

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – April 11, 2011 Conviction)**

3 **((Bus. & Prof. Code §§2761(f), 2762(c))**

4 24. The allegations of paragraphs 20-23 are realleged and incorporated by reference as
5 if fully set forth.

6 25. Respondent has subjected her license to disciplinary action under Code sections
7 490, 2761, subdivision (f), as defined by section 2762, subdivision (c), in that on or about April
8 11, 2011, in a criminal proceeding entitled The People of the State of California v. Teresa Regina
9 Hook, in the San Mateo County Superior Court, Case Number 372049, Respondent was
10 convicted by a plea of nolo contendere to one count of violating Vehicle Code section 23152(b)
11 (driving while under the influence of alcohol). Respondent was placed on probation for three
12 years, which included, but was not limited to, the following terms: abstain from the use or
13 possession of alcoholic beverages, attend and complete the Multiple Offender's Program, pay
14 restitution of \$2,596.00, and serve 30 days in the county jail.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct – Use of Alcohol in Dangerous Manner)**

17 **((Bus. & Prof. Code §§2761(a), 2762(b))**

18 26. The allegations of paragraph 20-23 are realleged and incorporated by reference as
19 if fully set forth.

20 27. Respondent has subjected her license to disciplinary action under Code sections
21 490, 2761, subdivision (a), as defined by section 2762, subdivision (b), in that she used alcohol in
22 a manner dangerous or injurious to herself and others by being arrested on August 31, 2010 for
23 driving while under the influence of an alcoholic beverage.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct – Be Committed or Confined)**

26 **((Bus. & Prof. Code §§2761(a), 2762(d))**

27 28. The allegations of paragraph 20-23 are realleged and incorporated by reference as
28 if fully set forth.

29. Respondent has subjected her license to disciplinary action under Code sections 490, 2761, subdivision (a), as defined by section 2762, subdivision (d), in that she was sentenced to 30 days confinement in jail as a result of her April 11, 2011 conviction of driving while under the influence.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this First Amended Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 593453, issued to Teresa Regina Hook;
2. Ordering Teresa Regina Hook to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: May 3, 2013 *Louise Bailey*
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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